

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FRANCIS AULETA,

Plaintiff,

DECISION AND ORDER

09-CV-6612L

v.

BRIAN FISCHER,  
Commissioner of the New York State Department  
of Corrections and Community Supervision (In his  
Official and Individual Capacity), et al.,

Defendants.


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By letter dated April 2, 2012 (Dkt. #260), counsel for defendants presented this Court with facts and circumstances that have occurred relative to plaintiff, subsequent to this Court's orders denying preliminary relief (Dkts. #167, #200). Defendants have also provided the Court with a copy of a memorandum from a Deputy Commissioner of the Department of Corrections, dated most recently, March 28, 2012, which summarized in detail the Department of Corrections' agreements concerning certain aspects of plaintiff's practice of his religion. In view of this detailed memo, it appears that some of plaintiff's several complaints may well now be moot.

In any event, in light of the apparent change of circumstances that have occurred, should the Second Circuit decline to enter an order on the matters in this case, this Court would certainly be amenable to entertain an application by either party to reconsider its prior orders, should the case be remanded to this Court by the Second Circuit. It may well be, that in light of the change of

circumstances and certain concessions by the defendants, the parties may be able to enter into a stipulated order for entry of judgment.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
April 12, 2012.